IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1027 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/05/2005 in WP NO : 10941 OF 2005 on the file of the High Court.)

Between:

Undra Pulla Reddy S/o. Nagireddy
Akkapalli Village, Bestavaripeta Mandal, Prakasam District.

..... APPELLANT

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Markapur, Prakasam District,.
3 The Mandal Revenue Officer, Bestavaripeta Mandal,
Prakasam District.

....RESPONDENTS

Counsel for the Appellant: MR.RAJANIKANTH JWALA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

JUDGMENT: (PER HON'BLE SRI JUSTICE V.ESWARAIAH)

Questioning the cancellation order dated 12.4.2005 passed by the Revenue Divisional Officer, Markapur, Prakasam District in canceling the Fair Price Shop Dealership of the petitioner, petitioner preferred appeal before the Joint Collector, Ongole, Prakasam District under clause 20 of the A.P. Public Distribution System Control Order, 2001 along with stay application. While the same is pending, petitioner filed W.P.No. 10941 of 2005 and the learned single Judge of this Court by order dated 3.5.2005 dismissed the said writ petition on the ground that the petitioner cannot be permitted to prosecute two parallel proceedings. Aggrieved by the said order, the present writ appeal is filed.

Heard the learned counsel for appellant and the learned Government Pleader appearing for respondents.

The learned counsel for appellant submits that no reasonable opportunity was given to the appellant while passing the impugned cancellation order and there was no evidence to show that the appellant has committed misappropriation in distributing the essential commodities and regarding the said transaction, appeal is pending before the Joint Collector. We are not inclined to accept the said contention of the appellant.

In the circumstances, we do not find any merit in the appeal and it is accordingly dismissed. No costs.

However, the first respondent-Joint Collector is directed to consider and dispose of the appeal preferred by the appellant within a period of one week from the date of receipt of a copy of this order.

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V.ESWARAIAH,J

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K.C. BHANU,J

Date: 24.5.2005

Kvrm/da

Note : CC in Two days

To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Markapur, Prakasam District,.
3 The Mandal Revenue Officer, Bestavaripeta Mandal,
Prakasam District.

4. 2 CCs to G.P. of Civil Supplies, High court of A.P.,

Hyderabad(OUT)

5. 2 CD copies.